

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**SANDRA NEWMAN ELIAS,
CONSERVATOR OF THE ESTATE
OF GLADYS SALLOUM NEWMAN**

PLAINTIFF

v.

Civil Action No. 1:04CV663-LG-RHW

GREGORY HOLYNE NEWMAN

DEFENDANT

GREGORY HOLYNE NEWMAN

THIRD PARTY PLAINTIFF

v.

**LOUIS ELIAS, JR., LOUIS NEWMAN
ELIAS, and SANDRA NEWMAN ELIAS**

THIRD PARTY DEFENDANTS

**ORDER GRANTING MOTION TO EXCLUDE AND STRIKE
TESTIMONY OF PLAINTIFF’S EXPERT, DR. HENRY MAGGIO**

THIS MATTER COMES BEFORE THE COURT on the Motion of Gregory Holyne Newman to Exclude and Strike Testimony of the Plaintiff’s Expert, Dr. Henry Maggio [127]. Having considered Gregory Holyne Newman’s (“Newman’s”) Motion to Strike [127], along with the Plaintiff’s Response [162] and Newman’s Reply [164]; and, having considered the report and deposition of Dr. Henry Maggio and upon hearing oral argument on this issue and being sufficiently advised in the premises, the Court finds that the Motion to Strike should be granted.

Based upon the submissions and the relevant law, and for the reasons stated in the record, this Court finds that the report and proposed testimony of Dr. Henry Maggio do not meet the standards of relevance and reliability as set out in FED. R. CIV. P. 702 as interpreted by the Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny. Accordingly, the Court finds that the Motion to Strike the expert opinion and testimony of Dr. Henry Maggio should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion of Gregory Holyne Newman to Exclude and Strike Testimony of the Plaintiff's Expert, Dr. Henry Maggio [127] is **GRANTED**. The proffered expert opinion and testimony of Dr. Henry Maggio is hereby excluded in its entirety.

SO ORDERED AND ADJUDGED this the 26th day of March, 2007.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE